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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/641,627	08/18/2000	Scott R. Watterson	13914.579.1	7182	
7:	590 04/29/2005	EXAMINER			
David B. Dellenbach			RICHMAN, GLENN E		
WORKMAN, NYDEGGER & SEELEY 1000 Eagle Gate Tower 60 E. South Temple			ART UNIT	PAPER NUMBER	
			3764		
Salt Lake City,	UT 84111		DATE MAILED: 04/29/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/641,627	WATTERSON ET AL.			
		Examiner	Art Unit			
	,	Glenn Richman	3764			
The MAILING DA	TE of this communication app	ears on the cover sheet with the o	correspondence ad	ldress		
THE MAILING DATE OF Extensions of time may be avail after SIX (6) MONTHS from the If the period for reply specified a If NO period for reply is specifie Failure to reply within the set or	THIS COMMUNICATION. Table under the provisions of 37 CFR 1.13 mailing date of this communication. The shove is less than thirty (30) days, a reply d above, the maximum statutory period wextended period for reply will, by statute, a later than three months after the mailing	'IS SET TO EXPIRE 1 MONTH(36(a). In no event, however, may a reply be tire within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE date of this communication, even if timely filed	nely filed rs will be considered timel the mailing date of this of (35 U.S.C. § 133).			
Status						
1) Responsive to cor	mmunication(s) filed on 16 De	ecember 2004.				
2a) This action is FINA		action is non-final.				
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4a) Of the above c 5) Claim(s) is/ 6) Claim(s) is/ 7) Claim(s) is/	are rejected.	vn from consideration.				
Application Papers						
10) The drawing(s) file Applicant may not re Replacement drawin	equest that any objection to the one of the one of the corrections are the corrections.	r. epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is obtainer. Note the attached Office	e 37 CFR 1.85(a). jected to. See 37 Cl			
Priority under 35 U.S.C. §	119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)			
2) Notice of Draftsperson's Pat	ent Drawing Review (PTO-948) ment(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail D		O-152)		

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-65, 78-84 drawn to an exercise control system, classified in class
 482, subclass 8.

II. Claims 66-77, drawn to an exercise training device, classified in class 434, subclass 247.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a training device. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Fraser Roy on 4/27/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenn Richman Primary Examiner Art Unit 3764